

REMARKS

In the Office Action, the Examiner rejected claims 1-4, 6-8, 10, and 12-26 and objected to claims 5 and 9 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants would like to thank the Examiner for indicating the allowable subject matter of the claims. Claims 1, 13, 22, and 25 have been amended by this response. Upon entry of the amendments, claims 1-10 and 12-26 will remain pending in the present application. Applicants respectfully assert that all of the pending claims are patentable and in condition for allowance. Applicants respectfully request reconsideration of the rejections and allowance of the pending claims.

Rejections Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected dependent claims 1, 6, 7, 12, 13-15, 17, 22-24, and 26 under 35 U.S.C. § 103(a) as being unpatentable over Hatch et al. (hereinafter "Hatch") in view of Tripathy. Claims 1, 13, 22, and 25 have been amended by this response.

Claims 1, 6, 7, 12, 13-15, 17, 22-24, and 26 are patentable because the combination of references does not disclose or suggest all of the recited features of the claims. The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

Claims 1, 6, 7, and 12

One of the recited features of amended independent claim 1 that is not disclosed or suggested by the cited references, either alone or in combination, is “a cover removably securable to the bearing housing, wherein the cover extends from the bearing housing into a surrounding environment.” The Examiner asserts that the seal housing 11 of Hatch represents a bearing housing and that the annular case member 13 represents a cover. However, as can be seen in Figures 4 and 5, the annular case member 13 of Hatch is disposed inside the seal housing 11 and does not extend from the seal housing 11 into a surrounding environment. Furthermore, the Tripathy reference simply does not have or suggest a cover that extends into a surrounding environment. The Tripathy reference discloses a rigid annular case or carrier member 30. *See* Tripathy, col. 3, lines 44-47. However, the carrier member 30 is disposed completely inside stationary component 12 of mechanical device 10. *See* Tripathy, FIG. 1. Therefore, the cited references do not disclose or suggest, either alone or in combination, “a cover removably securable to the bearing housing, wherein the cover extends from the bearing housing into a surrounding environment,” as recited in amended independent claim 1. Therefore, neither reference, either alone or in combination, discloses or suggests all of the recited features of claim 1.

Accordingly, amended independent claim 1 is patentable over the cited references. Claims 6, 7, and 12 depend from claim 1 and are, accordingly, also patentable over the cited references. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Claims 13, 14, 15, and 17

In addition, the cited references do not disclose or suggest, “a cover removably securable to a bearing housing, wherein the cover is disposed on the exterior of the bearing housing,” as recited in amended independent claim 13. As noted above, the annular case

member 13 of Hatch is disposed on the interior of the seal housing 11, not the exterior of the seal housing 11. Furthermore, the carrier member 30 of Tripathy is also disposed on the interior of the stationary member 12. Thus, neither reference, either alone or in combination, discloses or suggests: “a cover removably securable to a bearing housing, wherein the cover is disposed on the exterior of the bearing housing,” as recited in amended independent claim 13. Therefore, neither reference, either alone or in combination, discloses or suggests all of the recited features of claim 13.

Accordingly, amended independent claim 13 is patentable over the cited references. Claims 14, 15, and 17 depend from claim 13 and are, accordingly, also patentable over the cited references.

Claims 22, 23, 24, and 26

Finally, one of the recited features of amended independent claim 22 that is not disclosed or suggested by the cited references is “securing the cover to a bearing housing by disposing a flanged portion of the cover into a grooved portion of the bearing housing.” The annular case member 13 is simply press fit into the seal housing 11. *See Hatch*, col. 4, lines 7-11. The carrier member 30 of Tripathy is similarly disposed inside the stationary member 12. *See Tripathy*, FIG. 1. Thus, neither reference, either alone or in combination, discloses or suggests: “securing the cover to a bearing housing by disposing a flanged portion of the cover into a grooved portion of the bearing housing,” as recited in amended independent claim 22. Therefore, neither reference, either alone or in combination, discloses or suggests all of the recited features of claim 1.

Accordingly, amended independent claim 22 is patentable over the cited references. Claims 23, 24, and 26 depend from claim 22 and are, accordingly, also patentable over the cited references.

For all of these reasons, claims 1, 6, 7, 12, 13-15, 17, 22-24, and 26 are patentable over the cited references. Withdrawal of the rejection and allowance of all pending claims are respectfully requested.

Second Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected dependent claims 8, 19-21, and 25 under 35 U.S.C. § 103(a) as being unpatentable over Hatch as modified and as applied above in view of Motsch. Claim 8 depends from independent claim 1. Claims 19-21 depend from independent claim 13. Finally, claim 25 depends from independent claim 22. For the reasons provided above, independent claims 1, 13, and 22 are patentable over the Hatch and Tripathy references. Therefore, claims 8, 19-21, and 25, which depend therefrom, also are patentable. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Accordingly, claims 8, 19-21, and 25 are patentable over the cited references. Withdrawal of the rejection and allowance of all pending claims are respectfully requested.

Third Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected dependent claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Hatch as modified and as applied to claim 1 above in view of Tooley. Claim 10 depends from independent claim 1. For the reasons provided above, independent claim 1 is patentable over the Hatch and Tripathy references. Therefore, claim 10, which depends from claim 1, also is patentable. Withdrawal of the rejection and allowance of claim 10 are respectfully requested.

Fourth Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected dependent claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Hatch as modified and applied to claims 14, 15, and 17 above in view of Uhen. Claim 18 depends from claim 13. For the reasons provided

above, independent claim 13 is patentable over the Hatch and Tripathy references. Therefore, claim 18, which depends from claim 13, also is patentable. Accordingly, claim 18 is patentable over the cited references. Withdrawal of the rejection and allowance of claim 18 is respectfully requested.

Allowable Subject Matter

Claims 5 and 9 were objected to as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants once again would like to thank the Examiner for indicating the allowable subject matter of the claims. However, for the reasons provided above, Applicants respectfully assert that all of the pending claims are patentable and in condition for allowance.

Conclusion

In view of the remarks set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

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Respectfully submitted,



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